PRESIDENT: It will form part of the proceedings.

MR. V. SUBBA AIYAR: I beg to move that the bill be taken up again for consideration at a future stage. Of course, the various amendments that have now been passed by the House may perhaps require some consequential verbal amendments, when all the clauses are carefully scrutinised. The points referred to will also be carefully considered and the necessary amendments will be moved by me when the bill comes up for final reading. I beg to move that the bill be read again on a future date of which notice shall be given.

MR. M GOVINDAN: I second the motion.

PRESIDENT: The question is that the bill be read again on a future date of which notice shall be given.

The motion was put to the vote and carried.

THE REVENUE SUMMONS REGULATION AMENDMENT BILL.

MR. V. SUBBA AIYAR: Sir, I beg to present the report of the Select Committee on the Revenue Summons Regulation Amendment Bill and to move that the same be taken into consideration now.

MR. S. PARAMESVARA AIYAR: I second the motion.

Clause 1.

MR. P. K. NARAYANA PILLAI: Sir, I beg to move that the word 'fifty' be substituted for 'seventy-five' in clause (1) of the second proviso.

The bill, as amended by the Select Committee, empowers the Commissioner for Land Revenue and Income-tax to summon a person residing within a radius of seventy-five miles from the place to which he is summoned. I am suggesting this amendment, so that this particular provision may be brought into line with similar provisions in other regulations. For example, I may draw the attention of the House to a similar provision in the Civil Procedure Code, section 171, where the code enables a District Judge or a District Munsiff to summon only a person residing not beyond fifty miles from the court-house. I may also draw attention to another kindred regulation *i. e.*, the Departmental Enquiries Regulation, where section 2 also empowers a revenue officer or any officer embarking on a departmental enquiry to summon only persons living within fifty miles from the head-quarters of the officer. The Departmental Enquiries Regulation and the Revenue Summons Regulation are both borrowed from two statutes of the Madras Legislature, and they are interdependent, to some extent, so far as the Madras statutes are concerned. In view of that, I thought that the whole thing might be reduced to uniformity by inserting 'fifty' in the place of 'seventy-five'. That is the object of the amendment; and I move it for acceptance by the Council.

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[Mr. P. K. Narayana Pillai.]

MR. C. P. KOCHUKUNJU PILLAI: I second the amendment.

MR. V. SUBBA AIYAR: As it is, the jurisdiction of the Peishkars, in many cases, extends beyond fifty miles. So we put it down as seventy-five. I have not got any serious objection to putting it as fifty for the sake of uniformity. The Peishkars are at present competent to summon witnesses residing within their jurisdiction.

PRESIDENT: If we adopt fifty, the Peishkars will have to go out. Mahomed will have to go to the mountain instead of the mountain going to Mahomed.

MR. V. SUBBA AIYAR: So, it was fixed at seventy-five. I do not think there could be any serious inconvenience by fixing it at seventy-five.

MR. P. K. NARAYANA PILLAI: There will be inconvenience.

MR. V. SUBBA AIYAR: If the amendment is pressed, I have no objection to accept it.

PRESIDENT: The question is that the word 'fifty' be substituted for 'seventy-five' in sub-clause (1) to the second proviso to clause 1.

The amendment was put to the vote and carried.

MR. P. K. NARAYANA PILLAI: Sir, my next amendment relates to the payment of witnesses' batta and travelling allowance and it runs as follows:

"Subject to the rules framed by Government in this behalf, any person summoned under this Regulation shall be entitled to claim his travelling and other expenses from the party applying for his attendance, or from Government in cases where the Revenue Court summons the witness on its own motion."

I move that this be inserted as sub-clause (3) to the provisio to clause 1. I shall explain the amendment. Witnesses may be summoned by the revenue officer concerned either on his own motion or on the motion of any party applying for their evidence. In the Civil Procedure Code and the Criminal Procedure Code, provisions have been made for defraying the expenses necessitated by the summoning of witnesses; for example, I refer to sections 155 of the C. P. C. and 421 of the Cr. P. C. There are other provisions in the Cr. P. C. under which the court may call upon a party to deposit the expenses that will be incurred in summoning a particular witness. When the witness is summoned at the instance of the criminal court itself, section 421 says:

"Subject to the rules framed by the Government, any criminal court may order payment on the part of the Government of the reasonable expenses of any complainant or witness attending for the purposes of any inquiry, trial or other proceedings before such court under this Code."

In view of the powers given to the revenue officer under this regulation, it is only fair and legitimate that a witness who is summoned to appear at the instance of a party or the court, as the case may be, must be paid what he would be getting either in a civil court or in a criminal court. Hence the amendment. If a

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particular party, for example, is so minded as to summon a witness and the witness turns up from a considerable distance but ultimately the party gives up the witness, the witness has simply to return queing his readiness to obey the summons. To avoid such contingencies, I am suggesting that the law regarding expenses of summoning witnesses must be brought into conformity with what obtains in a civil court or a criminal court. Now, a witness is not an inanimate object to be whisked about at the caprice of other people. In these circumstances, I am recommending this particular provision. The matter, I recollect, was brought to the notice of the Law Member when the general principle of the bill was under discussion. Yet the Select Committee has not considered it. I am of opinion that it ought to be considered by this House and accepted.

MR. K. P. RAMAN PILLAI: Sir, I second it.

MR. V. SUBBA AIYAR: Sir, the rules under the regulation do provide for the witnesses' travelling and other allowances being paid. Therefore, it was not felt necessary to provide for it in the regulation itself. However, there is absolutely no objection to the provision being incorporated in the statute itself. Only, I will not accept the whole of the amendment; but I will accept part of it, *i. e.*, up to the word "expenses".

MR. P. K. NARAYANA PILLAI: Sir, I am agreeable to that.

MR. V. SUBBA AIYAR: I move that the words "from the party applying for his attendance, or from Government in cases where the Revenue Court summons the witness on its own motion" in Mr. Narayana Pillai's amendment be deleted.

MR. P. K. NARAYANA PILLAI: I second it.

PRESIDENT: The question is that the words "from the party applying for his attendance or from Government in cases where the Revenue Court summons the witness on its own motion" occurring in Mr. Narayana Pillai's amendment be deleted.

The motion was put to the vote and carried.

PRESIDENT: Mr. Narayana Pillai's amendment as amended just now would read as follows:

"Subject to rules framed by Government in this behalf any person summoned under this Regulation shall be entitled to his travelling and other expenses."

The question is that the above clause be inserted as sub-clause (3) to the proviso to clause 1.

The motion was put to the vote and carried.

PRESIDENT: The question is that clause 1 as amended and clauses 2 and 3 form part of the bill.

The motion was put to the vote and carried.

Clauses 1, 2 and 3 were added to the bill.

MR. V. SUBBA AIYAR: Sir, I move that the bill be read again in Council on a future date of which notice shall be given.

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[President.]

MR. S. PARAMESVARA AIYAR: Sir, I second it.

The motion was put to the vote and carried.

PRESIDENT: This session of the Council will now be prorogued and the House will meet again for the budget session of which due notice will be given.

MR. P. K. NARAYANA PILLAI: Sir, there is one other function to be performed by the House.

PRESIDENT: Yes, the election of four non-official members from among the non-official members of the Legislative Council for the P. W. Workshops Committee, under the presidency of the Deputy President.

The Council was prorogued at 5 P. M.

S. PARAMESVARA AIYAR,
Secretary to the Legislative Council

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